State of Idaho Department of Labor

Workforce Investment Act of 1998 Methods of Administration

Workforce Systems Employment Service Unemployment Insurance

Submitted in compliance with Title 1 and 29 CFR Part 37

Original signature on file

Roger B. Madsen, Director, Idaho Department of Labor

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Dirk Kempthorne, Governor, State of Idaho

12/20/2000 Date

Workforce Investment Act - Methods of Administration

Workforce Systems Employment Service Unemployment Insurance

December 2000

The regulations published at 29 CFR Part 37, which implement the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA) require that each governor establish and adhere to a Methods of Administration (MOA) for State programs. This document shall serve as the State of Idaho's methods in fulfilling its obligations under the nondiscrimination and equal opportunity provisions of 29 CFR Part 37.

The Idaho Department of Labor (IDOL) has been designated as the Administrative Entity for WIA. Since the (IDOL) is the State Employment Security Agency (SESA), methods are also included to ensure nondiscrimination and equal opportunity in the administration of the state's Employment Service (ES) and Unemployment Insurance (UI) programs.

This MOA document contains the standards prescribed in Part 37, as well as technical guidance provided by the Civil Rights Center (CRC), United States Department of Labor (USDOL). It consists of nine elements that describe Idaho's system and procedures regarding record keeping and other affirmative obligations. It is prepared in tabular form with each tab divided into two parts. The first part is a narrative describing how the State WIA Administrative Entity, recipients and the IDOL are meeting and will continue to meet the commitments called for by WIA. The second part includes documentation supporting the statements made. In some circumstances, specific sections of identified manuals, policies, guidelines, etc. have been provided rather than the complete documents.

The MOA is a "living" document that reflects actual and continuing nondiscrimination and equal opportunity practices. This document shall serve as official policies and procedures for documentation not specifically contained in existing rules and manuals. Each Local Workforce Investment Area and One-Stop Career Center will maintain a copy or have electronic access to this MOA in order to give reasonable guarantees that the required systems and policies will continue to be carried out.

State of Idaho Department of Labor

MOA Elements

1.	Designation of State and local level Equal Opportunity (EO) Officers.
2.	Notice and communication.
3.	Review assurances, job training plans, contracts and policies and procedures
4.	Universal access.
5.	Compliance with section 504 of the Rehabilitation act of 1973, as amended.
6.	Data and information collection and maintenance.
7.	Monitor recipients for compliance.
8.	Complaint processing procedures.
a	Corrective actions/sanctions

Designation of State and local level Equal Opportunity (EO) Officers

Rogelio Valdez, Deputy Administrator for the Idaho Department of Labor (IDOL), is designated as the Equal Opportunity (EO) Officer for the state's Workforce Investment Act of 1998 (WIA) programs, Employment Service (ES), and Unemployment Insurance (UI) programs. As Deputy Administrator for the Administration Division, Rogelio is a senior level employee and will report directly to the Agency Director on all EO and nondiscrimination matters.

This responsibility will not present conflicts with his other responsibilities. Rogelio has the skills, knowledge, and abilities required for this position. He is a member of the National Association of State Workforce Agencies (NASWA) Equal Opportunity Committee and will serve as the chief liaison to the Civil Rights Center, USDOL. He will serve as the point of contact for all recipient personnel who have questions about WIA's nondiscrimination and equal opportunity program, answer questions and monitor the activities of the recipient and its recipients on nondiscrimination and EO obligations. IDOL EO matters are reported to and discussed with Rogelio. He will provide training and technical assistance on EO matters to management, program staff, and local-level officials. He will maintain communication with community organizations to ensure effective outreach and distribution of nondiscrimination and EO policies, directives, and information.

In addition, the Department's Legal Counsel is made available for consultation on difficult and complicated legal issues. Mr. Joseph Karpach, Appeals Bureau Chief, and Mr. Brent Marchbanks, hearing officer, will also be available to mediate disputes for the agency in matters where IDOL staff is involved as necessary and appropriate to avoid any potential conflict of interest. Both Mr. Karpach and Mr. Marchbanks have the skills and knowledge to carry out their duties and responsibilities and receive continuing education on the mediation and appeals process.

In order to assist with the development of the MOA and to ensure that EO and nondiscrimination policies and issues are discussed, an Equal Opportunity Committee was also established by IDOL. The EO Committee is chaired by Nancy Upchurch and consists of representatives from all major Department programs including Arthur Page - Employment Services, Mark Johansen - Unemployment Insurance, Elizabeth Prusha-Parlor - Workforce Systems, Gordon Graff - Management Support, Dunnia Burnham - Monitor Advocate, Evelyn Thomas and Craig Bledsoe - Legal Bureau. All of these individuals have the skills and knowledge to carry out their duties and responsibilities.

Idaho is a small state with six workforce areas. In LWIA III, also known as the Southwest Idaho Workforce Investment Area, the local elected officials have designated Ida-Ore Regional Planning and Development Association (Ida-Ore) as the administrative agency. Ida-Ore designated Jim Gruber as the local level EO officer for the Southwest Idaho Workforce Investment Area. Mr. Gruber is the Chief Financial Officer for the organization and reports directly to the agency director. Mr. Gruber can be contacted at 208-322-7033, jgruber@sageidaho.com.

In the remaining five local workforce areas, the local elected officials requested the Governor to serve as the Grant Recipient, and the Governor agreed. The Governor then designated the Idaho Department of Labor as the administrative agency for those five areas: LWIA I, II, IV, V, and VI. This creates a consolidated administrative and support system which allows for a level of quality and efficiency that could not otherwise be achieved with the funds available. For these five areas, the regional WIA Grant Officers will serve as local level EO officers for their assigned areas. The EO Officers are:

In LWIA I the EO officer is: Curt Monson, cmonson@labor.state.id.us

208-332-3570, ex. 3323

In LWIA II the EO officer is: Diana Parenteau, dparente@labor.state.id.us

208 332-3570, ex 3328

In LWIA IV the EO officer is: Elizabeth Prusha-Parlor, eprusha@labor.state.id.us

208 332-3570, ex 3315

In LWIA V the EO officer is: Jeanie Irvine, jirvine@labor.state.id.us

208-332-3570, ex 3316

In LWIA VI the EO officer is: Diana Parenteau, dparente@labor.state.id.us

208 332-3570, ex 3328

These individuals report to the Grants Management Supervisor in the Workforce Systems Bureau and serve as the single point of contact for their area for all service provider requests for technical assistance and training. They also deliver or arrange for training or technical assistance as required, and are responsible for providing oversight of programs operated within their geographic areas, including compliance with the Act, regulations, and policies. The scope of their responsibility also includes providing technical assistance and oversight for equal opportunity and nondiscrimination. In their EO capacity, they will seek guidance and direction from the State EO officer and will report findings relating to EO to the State's EO officer.

The State has also designated EO contact persons throughout the state at the local service delivery level to assist the local level EO officers. The designated EO contact persons are:

LWIA I

Jo Ann Edmiston – Coeur d'Alene JS Manager Rudy Hernandez – Bonners Ferry JS Manager Kris Yacks – St. Maries JS Manager Beth Grigg – Silver Valley JS Manager Dennis Scollon – Sandpoint JS Manager

LWIA II

Bob Harris – Lewiston JS Manager Paula Ewald – Grangeville JS Manager Alane Ennis – Moscow JS Manager Lee Fields – Orofino JS Manager

LWIA III

Jim Gruber – WorkSource, Inc., Boise

Nancy Vazquez – Canyon County JS Manager Susan Deemer – Boise JS Manager Brian Langley – Meridian JS Manager Sharon Vawter – Emmett JS Manager Jim Thackeray – McCall JS Manager Albert Clement – Mountain Home JS Manager Suzy Davis – Payette JS Manager

LWIA IV

Pam Petersen – Magic Valley local JS office Manager Amy Hoolahan – Blaine County local JS office Manager Brent Tolman – Minni-Cassia local JS office Manager

LWIA V

Rich Watson – Pocatello local JS office Manager Chris Orders – Blackfoot local JS office Manager

LWIA VI

Wade Virgin – Idaho Falls local JS office Manager Steve Karstad – Rexburg local JS office Manager George Galvan – Salmon local JS office Manager

These individuals have attended training that included EO and nondiscrimination presentations such as the Statewide Managers meetings, WIA *Nuts and Bolts* training conference, and performance management training. More formalized training will take place when necessary and appropriate.

Sufficient resources have been assigned to the EO Officer position to ensure compliance with the nondiscrimination and EO provisions of WIA, Section 188, 29 CFR 37. There is no specific budget set aside for training. The training costs are covered under items of expenditures such as, travel, registration costs, etc.

Applicants, registrants, eligible applicants/registrants, participants, claimants, employees and applicants for employment, as well as interested members of the public and any customer, are made aware of the EO Officer through the state's nondiscrimination poster, administrative orders, policies, and handbooks. Equal Opportunity contact information also appears on all internal and external communications about nondiscrimination and EO programs. This includes WIA, ES, and UI programs.

The name, address, telephone, fax number and email address of the State EO officer is written on the State's EO/nondiscrimination poster as well as on all administrative orders, directives, policies and handbooks, and other pertinent information.

Documentation

Organizational Chart IDOL EO/Nondiscrimination Policy Poster 2000 Training Schedule for EO Officer and EO Committee 2001 Training Plan for EO Officer and EO Committee Map of Local Workforce Investment Areas UI Handbook ES Brochures and information

Revised 8/28/2001

Notice and communication

The Idaho Department of Labor (IDOL) has designed an appropriate notice/poster on nondiscrimination, complaints, reasonable accommodations, auxiliary aids/services, and the designated contact person. The poster "Equal Opportunity Is The Law" is printed in English and Spanish and includes the name of the EO Officer. The notice/poster was initially distributed to all One-Stop Centers, all Idaho Job Service offices, and all WIA subrecipients on October 30, 2000 by the state EO Officer. Accompanying the poster was a letter directing staff to prominently display the poster in a reasonable number and places. The poster and directive is also displayed on the IDOL web site, accessible to everyone.

Periodic updates and reminders are scheduled to be sent on an annual basis to all One-Stop Centers, all Idaho Job Service offices, and all WIA subrecipients to remind them to predominately display the poster in a reasonable number and places. This will be verified through on-site monitoring by a designated EO representative and reported back to the State WIA EO Officer for inclusion in the monitoring report.

The State WIA EO/Nondiscrimination policy and the IDOL communications policy requires that written and broadcast public information materials include the appropriate EO taglines such as "equal opportunity employer/program – auxiliary aids and services are available upon request to individuals with disabilities" and TDD/TTY access prescribed in Part 37. This information is also listed on IDOL web pages to ensure access to customers needing this service.

The State of Idaho provides for the most integrated setting possible for serving customers with disabilities. One-Stop Center computers are able to enlarge print for customers with visual disabilities. The EO Officer maintains a verbal agreement with the Idaho Commission for the Blind and Visually Impaired for Braille, tape, or large print of written information upon request. Local level staff contact the EO Officer by phone or e-mail to request a service and the EO Officer obtains the required information.

The HR Officer serves as an ex officio member of the Idaho Council for the Deaf and Hard of Hearing and has the Idaho Directory of Sign Language and Oral Interpreters. If interpretation is needed, local staff contact the EO or HR Officer and a referral for an interpreter is made.

Additionally the EO Officer maintains liaison with disability groups to ensure policies are communicated and to utilize these groups as resources available to customers with disabilities. The Idaho Department of Labor website "IdahoWorks" and the computer-generated self-registration include taglines to ensure clear communications regardless of the process utilized by the customer. The EO Officer coordinates with the Publications Committee of the IDOL to ensure taglines and other appropriate information are included and effective on department publications.

It is the policy of the Department to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) in order for customers to be effectively informed of or able to participate in departmental programs or activities. When a significant number or proportion of the population eligible to be served or likely to be directly affected by a Department program or activity needs information in a single language other than English, the Department will translate its written program materials into that language and will provide effective interpretation services to members of the significant LEP group.

The Department will also provide interpreters for LEP customers who are not part of a significant group if the customer cannot provide an interpreter and it is feasible and necessary to ensure that the customer has meaningful access to Department programs and services. If an interpreter for the needed language cannot be located, the AT&T Language Line is used to serve the customer.

During an initial orientation sessions all applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment are notified of their rights under the equal opportunity and nondiscrimination provisions of WIA, including the right to file a complaint of discrimination with the WIA recipient or the Director of the Civil Rights Center of the U.S. Department of Labor. This is accomplished through several sources.

- The WIA Information Pamphlet / Participant Acknowledgement (English and Spanish versions) which contains the State's policies on nondiscrimination and sexual harassment, as well as complaint procedures is given to every participant. The participant signs an acknowledgement form and is given the actual policies to take home. The acknowledgement form is scanned and kept electronically in each participants file.
- Employees of the IDOL receive EO policies, administrative orders and an acknowledgment form during new employee orientation. An acknowledgement form is signed and sent to the Personnel Bureau for inclusion in their official personnel file, the policies and administrative order is given to the employee to keep. As part of the employee's training plan, EO and nondiscrimination is covered on the agenda during orientation sessions.
- The state's UI Handbook includes the nondiscrimination provision and information on where to file a complaint.
- The Employment Service has nondiscrimination and equal opportunity policies established as well as a Job Service Complaint process.

Documentation

Signed Poster Distribution letter

EO is the Law Poster (English and Spanish)

WIA Information Pamphlet/Participant Acknowledgement WIA-10 (English and Spanish)

State WIA EO/Nondiscrimination Policy

Communications Manual: Bilingual (LEP) Services Policy

Unemployment Insurance Manual: Nondiscrimination IDOL Administrative Order for EEO Policy IDOL New Employee Orientation Acknowledgement Form IDOL Orientation and Training Plan (agenda) UI Handbook Idaho Works Web Site Sample Brochures, Pamphlets, etc. Including Tag Line

Revised 5/23/2001

Review assurances, job training plans, contracts and policies and procedures

The Strategic Five-Year State Workforce Investment Plan contains assurances that the State of Idaho will comply with WIA Section 188 which prohibits discrimination on the basis of age, disability, sex, race, color, national origin, political affiliation or belief or participation in WIA. The Plan also assures and certifies that a Method of Administration has been developed and implemented.

All written WIA subrecipient agreements, applications, proposals, contracts, and plans ensure compliance with WIA Section 188, nondiscrimination and equal opportunity provisions, including programmatic and architectural accessibility for individuals with disabilities.

A copy of the WIA General Provisions and Assurances, which includes the nondiscrimination assurance clause prescribed by 29 CFR, Part 37, is included with every financial award. By signing the agreement, application, proposal, contract or plan, the awardee is certifying that they will comply with all the nondiscrimination requirements of federal and state laws and regulations.

The State's WIA Policy Manual/Technical Assistance Guide on equal opportunity and nondiscrimination directs the process for including the required policy statements and assurances (including sexual harassment and religious accommodation) and is accessible on-line to all recipients.

Compliance with the WIA Provisions and Assurances is examined as a part of the monitoring and oversight process. A monitoring instrument is used by the State EO Officer to ensure all plans/contracts incorporate the required assurance language and ensure that the recipient's policies and practices are not discriminatory either in intent or in effect and are developed and implemented in a timely manner. The written monitoring report provided to the subrecipients contains specific information regarding any required corrective action and/or follow-up.

SESA (Unemployment Insurance and Employment Service) vendor contracts and building leases must contain nondiscrimination provisions before any proposals or agreements are accepted.

Documentation

WIA Five Year Strategic Plan: Table of Contents and Assurances
WIA General Provisions and Assurances: Section 200 Nondiscrimination
State WIA Nondiscrimination and Equal Opportunity policy manual (See MOA #2)
SESA Standard Lease Agreement
SESA Standard Contract Terms and Conditions
LWIA Plan and Compliance with Section 188 (Sample)
Table of Contents
Equal Opportunity Requirements

Memorandums of Understanding (MOU's) – One Stop Partners Partner Authorization LWIA Grievance Procedures and Code of Conduct (Sample) Appeal and Complaint Procedure EO Monitoring Tool/Guide

Revised 6/18/2001

Universal access

The Idaho Department of Labor is a member of the State Workforce Development Council and the *IdahoWorks* system. *Idaho Works* is a network of employment and training providers linked electronically to provide information and better integrate employment and training services for employers, job seekers, veterans, public assistance recipients, individuals with disabilities, groups of various national origins, racial and ethnic groups, and youth customers.

Under the leadership of the Council, six regional *IdahoWorks* Boards headed by private sector members established strategic plans to guide the workforce development system in their region. Under the direction of the Council, staff of the many state agencies that comprise the *IdahoWorks* partnership dedicated themselves to streamlining services and improving access for Idaho's business and job seeking consumers. Six One Stop Career Centers were selected by the *IdahoWorks* Boards to serve as the primary points of access to the full range of labor market services and information in each of the regions. *IdahoWorks* partners are also providing access to information about these services so that a consumer can learn about service availability at hundreds of locations across the state.

Assessment

While 29 CFR Part 37 or the State Guidance for Developing the MOA do not require information as to a State's annual assessment of the language needs of a significant number or proportion of the population to be served, the State of Idaho provides the following assessment using data from recent US Department of Census information, employment service and One-Stop Center outreach information, information from local and state services plans, and information from community organizations, and service providers.

The State's Hispanic community is the largest and fastest growing minority in Idaho. According to the latest U.S. Bureau of the Census data issued in May 2001, the number of Hispanics in Idaho total 101,690 or 8 percent of the state's total population of 1,293,953. Of these, 79,324 are of Mexican origin, 1,509 are Puerto Rican, 408 are Cuban, and 20,449 represent other Hispanics. A significant number of Idaho's Hispanics are migrant and seasonal farmworkers. A large percentage of farm workers are predominantly Spanish speaking.

The Department with the assistance of local Job Service office outreach staff and management, labor market analysts, One-Stop Career Centers and information from other service providers, continues to assess the need and availability for bilingual staff and services in languages other than English in those communities areas with a high concentration of limited English speaking populations.

Efforts To Address Access

All of the *IdahoWorks* partners are committed to providing universal access to everyone by broadening the composition of those considered for participation or employment in programs and activities. This is accomplished by making available WIA programs and activities to both sexes, various racial/ethnic groups, various age groups, and individuals with disabilities. The local Workforce Investment Boards and One-Stop Career Centers sponsor a variety of services that reach dislocated workers, displaced homemakers, those with limited English proficiency, veteran's, migrant and seasonal farmworkers, at-risk youth, and American Indians, and include members of varying demographic groups in their programs or activities. These steps include media advertising and sending notices to and consulting with appropriate community organizations.

The State WIA Administrative entity will continue to communicate the universal access obligation to all recipients including LWIBs, One-Stop operators, and service providers by requiring compliance with Section 188 in the State Plan. The Memorandums of Understanding (MOUs), local plans, Technical Assistance Guides (TAGs) and the Recipient's General Provisions and Assurances also include provisions reflecting compliance with Section 188.

The State has a written policy that ensures meaningful communication to individuals on language access. A significant number or proportion of the population eligible to be served, or likely to be directly affected, by a WIA Title I financially assisted program or activity may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity. Where such a significant number or proportion exists, a WIA recipient must take the following actions:

Consider the scope of the program or activity, and the size and concentration of the population that needs services or information in a language other than English; and based on those considerations, take reasonable steps to provide services and information in appropriate languages. This information must include the initial and continuing notice of nondiscrimination required under this section and all information that is communicated in publications, broadcasts, and other communications.

In circumstances where there is not a significant proportion of the population who needs service or information in a language other than English, WIA recipients should nonetheless make reasonable efforts to meet the particularized language needs of limited-English speaking individuals who seek services or information from the WIA recipient.

The Idaho Department of Labor also operates an effective employment services outreach program in eleven offices with outreach staff that are bilingual in Spanish to inform customers, especially farm worker customers, of the services available. These outreach activities are coordinated with other public and private community organizations, One Stop partners, where appropriate, and MSFW service providers in order to inform as many customers as possible. Information regarding ES services, farmworker rights, unemployment insurance, Job Service complaint system, WIA employment and training services for Adults, Dislocated Workers and Youth along with

other community services that may be needed will be provided. The information will be presented verbally and/or in writing in both English and Spanish.

Information concerning employment and training services is also available on the state's Idaho Works Internet system at http://www.idahoworks.org

Local offices notify customers of available services by using Public Service Announcements (PSAs). The PSAs are distributed to Spanish-speaking radio stations. PSAs will be used again to inform and educate customers about services available in the state. Special presentations are being made to ESL groups, Hispanic high school students, and other groups of farm workers to encourage integration of the Idaho Works system and teach participants the basics of personal computing.

The Department has also produced several videos have been developed in both English and Spanish that encourage farm workers to, 1) participate in Spanish language job search workshops, and 2) utilize the job search capacities of the *Idaho Works* system. These videos are provided to service delivery organizations, local offices, and other groups as requested. Additionally, some local offices have developed other handouts in Spanish based on local labor market conditions or information on services and procedures.

Public radio announcements, through bilingual brochures, posters, and flyers will disseminate information about Job Service services. The Monitor Advocate has been designated the Translations Coordinator for the Department of Labor. This assignment encompasses coordinating with cost center managers and the translator in contract as well as revisions of translated materials and translating. During PY 99, the Monitor Advocate assisted in reviewing and finalizing IDOL translations to ensure that they are appropriate for the population served in Idaho. The Department will continue to translate various materials including unemployment insurance forms into Spanish. As deemed appropriate, IDOL will continue to improve the Spanish self-registration as input is received from customers, interested groups, and IDOL personnel, and will continue to update the Spanish versions of the electronic tools available to the customers as the English versions are updated.

In Idaho, Unemployment Insurance claimants have two methods available for them to file and receive Unemployment Insurance Benefits. The preferred method is using the **TEL-A-CLAIM** system. This is allows customers to file for their weekly UI benefits using the telephone. This system is available in English and Spanish.

The Department also has a Publications Committee to assure that the Department's array of broadly distributed publications effectively respond to the information needs of our customers, including an assessment of current publications and the need for translating these publications in other languages and formats so that they are presented in a professional, informative, and understandable manner.

Documentation

WIA Five Year Strategic Plan (See MOA # 3)
LWIA Plan and Memorandum of Understanding (See sample in MOA # 3)
Samples of brochures, procedure manuals, letters, and reports:

MSFW Outreach brochure

Outreach Worker Guide

Governor's Weekly Reports (sample)

Personnel Manual: Various Sections

Employment Services Manual Sections - Introduction, Outreach, Veterans, & Disabilities

Employer Letters (samples)

Idaho Works Website (www.labor.state.id.us)

Access Idaho Website (www.idahoworks.org)

Recruitment Letter (sample form)

Minority Outreach Mailing List

UI Handbook page on Spanish Availability

Revised June 18,2001

Compliance with section 504 of the Rehabilitation act of 1973, as amended

The State of Idaho has developed written policies and procedures to ensure that recipients meet their obligations to provide delivery of services in the most integrated setting. The policy prohibits standards or procedures that have the purpose or effect of discrimination, have the purpose or effect of impairing WIA Title I objectives or that perpetuate discrimination. Furthermore, eligibility criteria that illegally screen out individuals with disabilities is prohibited.

Additionally, the State of Idaho provides for reasonable accommodation unless it represents an undue hardship or unless reasonable modification would fundamentally alter the program or activity. Also, the State provides for documenting reasons for refusing to provide an accommodation or modification and ensures the individual is provided with a copy of that document.

State policy provides for communication with individuals with disabilities and also requires that such communication be as effective as communication with individuals who are not disabled. Along with communications, the State utilizes auxiliary aids and a telephone system that meets this "equally effective" requirement. These aids include TTY/TTD and relay service. The Department ensures that individuals with disabilities who are interested in programs and services are provided information on those programs and services. Appropriate signs are posted indicating access to facilities.

State policy also provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. However, the following are allowed access to confidential information: the employing official (once a conditional offer has been made to a participant); supervisors and managers where work restrictions or reasonable accommodations have been made; first aid and safety personnel.

State WIA policy requires programmatic accessibility and architectural accessibility and establishes the Uniform Federal Accessibility Standard (UFAS) as the architectural standard.

In addition to state policies, a WIA One-Stop Accessibility and Accommodation Resource Guide has been developed to assist recipients with compliance under section 504 of the Rehabilitation Act of 1973. This resource guide has been placed on-line for access by all recipients. Additionally, a directive containing an accessibility checklist was distributed to recipients along with a Training and Employment Information Notice (TEIN) giving recipients direction on completing a self assessment of program and architectural accessibility for the WIA program. Also, a directive was sent to all Local Workforce Investment Areas providing information on technical assistance available for serving customers with disabilities.

On-line information is available to staff of the IDOL on reasonable accommodation and the Employment Service and Unemployment Insurance manuals contain information on serving people with disabilities. Additionally, when jobs for IDOL employees are filled, the job qualifications are reviewed to ensure nondiscrimination.

All written WIA subrecipient agreements, applications, proposals, contracts, and plans contain WIA Provisions and Assurances which ensure compliance with WIA Section 188, nondiscrimination and equal opportunity provisions, including programmatic and architectural accessibility for individuals with disabilities.

Documentation

One Stop Accessibility and Accommodation of Persons with Disabilities (TAG) Program and Facilities Accessibility (Chapter 3) attached. See table of contents for other information covered in this TAG such as reasonable accommodation, communication and employment policies

Self-evaluation forms and surveys – TEIN 16-99

Technical Assistance Available to One Stops - WIAB 1-00

IDOL Public Folders: Reasonable Accommodation Tips/Resources Available to You

Employment Services Manual: Disability Program

IDOL Public Folders: Disability Specialist

Unemployment Insurance Manual: Nondiscrimination/TDD Listing

IDOL EO/Nondiscrimination Policy (See MOA # 1)

State WIA EO/Nondiscrimination Policy (See MOA # 2)

EO Committee Training - Sample Agendas

2000 EO Training Schedule (See MOA # 1)

WIA General Provisions and Assurances (See MOA # 3)

WIA Information Pamphlet/Participant Acknowledgement WIA-10 (See MOA # 2)

WIA Website

Revised 5/30/2001

Data and information collection and maintenance

The IDOL supports a single statewide system to collect applicant/registrant data for WIA. This is an on-line system, which is designed to collect basic information from an applicant seeking WIA services. Basic EO data is collected at the point a customer "applies" for WIA services. Applicant information is retained on-line and is available for review for EO and customer management services. The record can be completed later, updated when the individual is selected for enrollment, and registered into the program at the point the first reportable service is received. Requirements for registration vary in that adults and dislocated workers taking advantage of self-service and informational services would not be registered whereas youth are registered prior to receipt of their first service. This is consistent with directions for data collection under the WIA. The following are the instructions that are provided to recipients:

WIA REGISTRATION & ELIGIBILITY DETERMINATION

Registration is the process of collecting information to support a determination of eligibility. Adults and dislocated workers must be registered and determined eligible prior to receipt of core services beyond informational or self-service. Youth must be registered and determined eligible prior to receipt of any youth services.

The **Application/Determination Date** is the first date in which the process of collecting information on behalf of an individual for WIA registration first began.

The **Registration Date** is the date of enrollment into the first program activity. Characteristics (demographics) must reflect the registrant's status as of the Registration Date.

Eligibility verification documents are gathered to support the individual's eligibility as of the Application/Determination date. Once a participant exits WIA, the registration and eligibility verification process must be repeated for re-enrollment into WIA.

To ensure compliance with EEO guidelines, information collected in the application/determination process must be entered into the WIA Management Information System (MIS), even if the applicant is not registered (enrolled) in WIA. Note that the MIS does not count applications without a registration in any management/performance reports. Partial information may be entered into the MIS and then completed later. When the online registration process is completed, a hard copy of the application is generated for purposes of acquiring the appropriate signatures.

If the registrant is under the age of 18, the parent, guardian, or responsible adult must sign the application for enrollment into WIA. If the applicant is under 18 years of age and is living with persons who do not qualify under the definition of "family", verification of emancipation must be obtained to allow the minor applicant to sign the application form for enrollment. An emancipated youth is defined as an individual who is fourteen

but under age eighteen who is married or whose circumstances indicate the parent-child relationship has been renounced.

The appropriate WIA-73 Verification Record form(s) and supporting verification documentation must be attached to the application and mailed into Program Technical Services Unit within five working days from the date of activity enrollment.

For purposes of cost sharing, individuals may be enrolled in more than one WIA program if eligibility has been established and verified for each program. Example: eligible youth who are 18 through 21 years of age may be considered for participation in both the youth and adult programs. The adult provider and youth provider must coordinate cost sharing to ensure non-duplication of payments.

Each recipient collects and maintains data and records in order to conduct statistical/quantifiable data analysis to verify compliance with Section 188 of WIA.

Records are maintained on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Data includes race/ethnicity, sex, age and disability status, where known (a customer may choose not to provide this information).

All equal opportunity information collected is stored in a manner to ensure confidentiality and used only for reporting and record keeping, determining eligibility where appropriate, and determining that the recipient is operating a WIA Title I financially-assisted program or activity in a nondiscriminatory manner.

Each recipient maintains a log of complaints alleging discrimination on the grounds of race, religion, national origin, sex, color, age, disability, political affiliation or belief, or WIA Title I participation. Complaint logs include the name and address of the complainant, the basis of the complaint, the date the complaint was filed, the disposition of the complaint, and any other pertinent information.

State WIA policy provides that each recipient must promptly notify the Civil Rights Center, USDOL, of any administrative enforcement action or lawsuits that are filed against it alleging discrimination on the grounds of race, color, religion, sex, national origin, disability, age, political affiliation or belief, and, for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity. The State requires that the notice must include the names of parties to the lawsuit, the forum where the case is filed, relevant case numbers, and the names of any other federal agencies that conducted an investigation and found noncompliance.

The State requires that each recipient must maintain the following records for a period of not less than three years from the close of the application program year: The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment. Records regarding complaints and action taken on the complaints must be maintained for a period of not less than three years from the date of the resolution of the complaint.

In addition, the SESA utilizes the ESARS/ENDS data system that generates information on applicants, referrals, and placements. Employment Service staff and the EO Officer

analyze this data. UI data on initial claims and non-monetary determinations by issue is provided to and analyzed by UI staff and the EO Officer for adverse impact. The Idaho Department of Labor maintains data for employment practice analysis. Equal Opportunity data is collected (voluntarily) and maintained on all IDOL employees for analysis. Adverse Action Reports are reviewed for all recruitment and hiring examinations.

The State policies contained in the WIA, UI, ES, and Personnel Administrative Procedure Manuals and the WIA Provisions and Assurances reflect policies and procedures on records retention, access to records, notification, and confidentiality. The EO Officer maintains all discrimination complaint logs.

Documentation

Data reports (sample)
Database file formats (sample)
Complaint Log
HR/EO Officer Complaint Logs

WIA General Provisions and Assurances: Section 139-141(and 201-see MOA # 3)

Personnel Manual: Personnel Records

Communications Manual: Disclosure of Information (Table of Contents)

Employment Service Manual: Disclosure of Information

Unemployment Insurance Manual: Records

Administrative Order: Public Records Guidelines and Procedures

Job Service Consultant Applicant Flow/Adverse Action Report (sample)

Revised 5/30/2001

Monitor recipients for compliance

The State system for determining whether a recipient conducts its WIA Title I financially–assisted programs/activities in a nondiscriminatory way includes assurances, equal opportunity officers, notice and communication, data and information collection and maintenance, universal access, complaint processing procedures, monitoring, sanctions and corrective actions for violations found during monitoring reviews and ensuring EO policy review and development, communication and training are carried out for and by recipients.

The State will conduct EO monitoring reviews of all WIA recipients beginning in June 2001. The State EO Officer or his designee will conduct the EO monitoring reviews. These reviews are combined with existing WIA Program Monitoring activities to reduce any duplication of effort and to use limited resources more efficiently. This includes reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and EO.

The EO monitoring review will include a desk analysis of data, site reviews, checklists, previous corrective action reports, and individual interviews. Each periodic monitoring review includes an investigation of any significant EO problems identified in the programs, activities or employment provided by the recipient. A determination will be made on whether these differences appear to be caused by discrimination. The results of the EO reviews will be analyzed by the EO officer and distributed to the recipients for their review and requests for corrective action if necessary will be made.

The EO Officer will prepare compliance reports and conduct necessary follow-up. In addition, statistical records/data including race/ethnicity, sex, age, and disability status will be generated from automated systems such as the WIA Information System and "IdahoWorks." The EO Officer will analyze the data by scanning output reports to make comparisons in order to determine potential indications of under-representation, over-representation, or possible discrimination exist.

The WIA General Provisions and Assurances set forth the standards for the monitoring and audit of WIA contracts and agreements. The State has established a monitoring process to ensure compliance with the nondiscrimination and Equal Opportunity provisions of WIA.

Documentation

EO Officer Monitoring Instrument Schedule of EO monitoring reviews WIA EO Monitoring Tool (See MOA # 3) Statewide WIA EO/Nondiscrimination Policy (See MOA # 1) 2000 EO Training Schedule (See MOA # 1)
WIA General Provisions and Assurances: Section 142 (and 200-214-See MOA# 3)

R. 5/31/2001

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Complaint processing procedures

The State has adopted and published procedures for processing complaints alleging discrimination by any program or activity funded or authorized under WIA Title I. These procedures provide the complainant with the option to file with the recipient or directly with the Civil Rights Center, USDOL.

The policy and procedures further state that no entity receiving financial assistance under WIA may discharge, intimidate, retaliate against, threaten, coerce, or discriminate against any person because such person has filed a complaint, opposed a prohibited practice, furnished information, assisted, or participated in any manner in an investigation or hearing. All of the above actions are considered discrimination and are therefore covered under the complaint process.

The discrimination complaint process is as follows:

<u>Step 1: Initial Review of Written Complaints</u>. Written complaints will be taken by the State or Local Administrative Entity, Service Provider, or One-Stop Operator from the complainant or the complainant's designated representative. All written complaints will be promptly forwarded to the State EO officer. This Notice is also stated on all of the "EO is the Law" posters.

A written complaint must include: 1) the complainant's name and address; 2) the identity of the individual or entity that the complainant alleges is responsible for the discrimination; 3) a description of the complainant's allegations in enough detail to allow an initial determination of jurisdiction, timeliness and the apparent merit of the complaint; and 4) the complainant's signature or the signature of the complainant's authorized representative.

Record keeping. All complaints must be logged. The log must include: 1) the name and address of the complainant, 2) the basis for the complaint, 3) a description of the complaint, 4) the disposition and date of disposition of the complaint, and any other pertinent information. Information that could lead to the identification of the person filing the complaint must be kept confidential.

Jurisdiction of the discrimination complaint must be determined. In order to have jurisdiction to process the discrimination complaint: 1) the respondent against whom the complaint was filed must be a WIA recipient, 2) the complaint must allege a basis for discrimination that is prohibited by WIA, and 3) the complaint must be filed within 180 days of the alleged discrimination.

Notice of Lack of Jurisdiction. If a determination is made that there is no jurisdiction to process the complaint, a Notice of Lack of Jurisdiction must be sent to the claimant that includes the reason for the determination and notice that the complainant

has the right to file a complaint directly with the Civil Rights Center within 30 days from receipt of the Notice of Lack of Jurisdiction.

Joint Jurisdiction. Where the complaint alleges discrimination by a WIA Recipient, or Service Provider on a basis that is prohibited by both WIA and by a civil rights law independently enforced by that WIA Recipient or Service Provider, the complaint must be referred to that WIA Recipient or Service Provider for processing under their procedures. For example, WIA prohibits discrimination on the basis of national origin. If a discrimination complaint on the basis of national origin is made against a WIA Recipient or Service Provider and they are also prohibited under their own regulations from discriminating on the basis of national origin, then the complaint will be referred to them for processing according to their own regulations. Notice must be sent to the complainant about the referral.

Sole Jurisdiction. Where the complaint alleges discrimination by a WIA Recipient or Service Provider on a basis that is prohibited by WIA and is not covered by a civil rights law independently enforced by that WIA Recipient or Service Provider (e.g. religion, political affiliation or belief, citizenship or participation in WIA Title I), the complaint must be processed by that WIA recipient or Service Provider under these procedures.

<u>Step 2: Formal Resolution</u>. The EO Officer must send written notice to the complainant stating that the complaint has been received. The notice must list the issues raised in the complaint and state for each issue whether it has been accepted for investigation or rejected and the reason for its rejection. The Notice must advise that the complainant has the right to be represented by an attorney or another person of the complainant's choice. The Notice must also give the complainant the right to choose between (A) an alternative dispute resolution (ADR) process or (B) a hearing.

A. The ADR Process. If the party filing the complaint requests to use the ADR process for resolving the complaint, the EO Officer will request a mediator and monitor the processing of the complaint. The mediator will schedule mediation by written notice, mailed to all interested parties at least 7 days prior to the first mediation session. The notice will include the date, time, and place of the mediation. The mediation process must be concluded within 45 days from the date the complaint was filed. The Appeals Bureau of the IDOL has qualified mediators on staff who pose no conflict of interest and are utilized in the ADR process for all complaints.

The complaint is considered resolved when all parties to the complaint enter into a written agreement resolving the issues raised in the complaint. The written agreement must give notice that if the terms of the agreement are breached, the non-breaching party may file a complaint with CRC within 30 days of the date the non-breaching party learns of the breach.

If the parties do not reach an agreement, the EO Officer will forward the complaint to a hearing officer for a hearing.

B. The Hearing Process. If the party filing the complaint requests a hearing to resolve the complaint, or if the ADR process fails to result in an agreement, the EO Officer will forward the complaint to the hearing officer and monitor the processing of the complaint.

The hearing officer will schedule a formal hearing by written notice, mailed to all interested parties at least 7 days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing must be conducted within 60 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. Parties may be represented by an attorney or other designated representative, and may request that records and documents be produced. All testimony will be taken under oath or affirmation. The hearing will be recorded. The hearing officer's recommended resolution will include a summary of factual evidence given during the hearing and the conclusions upon which the recommendation is based. The hearing officer's recommended resolution must be completed and sent to the EO Officer of the State Administrative Entity within 75 days from the date the discrimination complaint was filed.

<u>Step 3: Notice of Final Action</u>. The State Administrative Entity will review the recommendation of the hearing officer and will issue a Notice of Final Action within 90 days from the date the discrimination complaint was filed.

The Notice of Final Action must contain: 1) the WIA Recipient's decision on each issue and the reasons for the decision, 2) a description of the way the parties resolved the issue, and 3) notice that the complainant has the right to file an appeal with CRC within 30 days from the date the Notice Final Action is issued if dissatisfied with the WIA Recipient's final action on the complaint.

Each participant is provided a WIA Information Pamphlet/Participant Acknowledgement (WIA-10) which describes the complaint process including ADR. Participants are required to sign an acknowledgment form that they have read and understand the complaint process. Hard copies of the complaint procedure are given to each participant. The State WIA nondiscrimination policy issued to all LWIAs and available to all staff on-line also includes the complaint process including ADR. The 'EEO is the Law" poster which contains the complaint procedure (including ADR), is posted in all One-Stop Centers, all Idaho Job Service offices, and all WIA subrecipients. The poster is also displayed on the IDOL WIA web site, accessible to everyone. Each W LWIA Plan ensures compliance with WIA Section 188, including the complaint procedures.

The IDOL has also adopted and published procedures providing for the prompt and equitable resolution of complaints alleging violations of SESA nondiscrimination and equal opportunity provisions. These procedures cover the Employment Service, Unemployment Insurance and SESA staff. Each local office has a complaint specialist to coordinate customer complaints. The EO Officer of the IDOL maintains a log of discrimination complaints filed at the Department and State level. The State of Idaho has a "Problem Solving" complaint system in Idaho law which provides a process for state employees to file complaints. All new IDOL employees are directed to this process and each new employee signs a New Employee Acknowledgement form.

Information relative to procedures for obtaining prompt corrective action or, as necessary applying sanctions when non-compliance is found is included in Elements VIII, and IX, of the MOA.

Documentation

WIA Discrimination Complaint Procedures (TAG -Including ADR process)

WIA Information Pamphlet/Participant Acknowledgement WIA-10 (See MOA # 2)

General Provisions and Assurances (See MOA # 3)

"EEO Is the Law" poster (See MOA # 2)

LWIA Plan-Compliance with Section 188/Complaint Procedures (See sample MOA # 3)

Employment Services Manual: Complaint Procedures

ES Complaint Form (English and Spanish)

Complaint Log (See MOA # 6)

EO Officer Complaint Log (See MOA # 6)

WIA Complaint Form

IDOL Personnel Administrative Procedure Manual: Problem Solving Procedures

IDOL Problem Solving Forms

IDOL New Employee Acknowledgement Form

R. 5/21/2001

Corrective actions/sanctions

The State has established procedures for taking corrective actions and imposing sanctions, if needed, to ensure that resolution of any non-compliance can be enforced.

Corrective actions and sanctions may occur as a result of an EO monitoring review or a complaint investigation. If discrimination is found, a conciliation agreement and corrective actions will be required.

The EO Officer will notify the recipient in writing of the specific deficiencies found during the EO monitoring review or complaint investigation, a suggested corrective action plan, time frames to complete and implement the corrective action, whether it is necessary to enter into a written agreement, and the opportunity to negotiate voluntary compliance.

The EO Officer will provide technical assistance to help correct deficiencies. A follow-up contact is made within 30 days, where necessary, to evaluate the degree of progress made toward taking the corrective action. The correction of the nondiscriminatory practice must be made within 45 days. If all attempts to provide assistance and correction of deficiencies fail, sanctions are imposed.

The sanctions imposed for noncompliance will be on a case-by-case basis, and may include any or all of the following:

- Written warning of non-compliance for discriminatory practices
- Nondiscriminatory placement/back pay (of a participant/employee who was denied placement/employment because of discrimination)
- Suspension and/or termination of agreements
- o Reduction, elimination or deferral of funding or payments
- Legal action under applicable laws

When necessary, the case will be referred to the USDOL, Civil Rights Center for enforcement or recommendation for suspension of funds until compliance is met.

The WIA General Provisions and Assurances provide for suspension and/or termination of agreements and contracts for a recipient's failure to comply with assurances or applicable laws and regulations, including WIA Section 188 and 29 CFR Part 37. The State provides the recipient with notice of intent to suspend or terminate the contract, which includes a statement of cause, corrective action to be taken, deadlines and consequences of noncompliance.

Recipients will maintain an ongoing analysis of program performance. Whenever it is determined that goals are not being met, an action plan to meet those goals will be developed and on a quarterly basis, the recipient will submit a report of the action taken or planned.

The SESA has procedures for discontinuing services to employers who have been found in violation of ES regulations or employment-related laws after a final determination by an appropriate enforcement agency or by the Job Service.

Documentation

WIA Corrective Actions and Sanction Technical Assistance Guide
WIA Non-Compliance/Corrective Action/ Sanctions Reference Sheet
WIA General Provisions and Assurances: Sections 109, 110, and 111
Employment Services Manual: Discontinuation of Services
LWIA Plan and Memorandum of Understandings (See sample in MOA # 3)

R. 6/6/2001